

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Appellant:	Lachelt et al.	Patent Application	
Application No.:	10/780,516	Group Art Unit:	2456
Filed:	February 17, 2004	Examiner:	Keehn, R.

For: JOURNALING PROXY IN ACTIVATION SOLUTION

REPLY BRIEF

In response to the Examiner's Answer mailed on October 6, 2009, Appellants respectfully submit the following remarks.

REMARKS

Appellants are submitting the following remarks in response to the Examiner's Answer. In these remarks, Appellants are addressing certain arguments presented in the Examiner's Answer. While only certain arguments are addressed in this Reply Brief, this should not be construed that Appellants agree with the other arguments presented in the Examiner's Answer.

Response to Response to Argument in Examiner's Answer

First, Appellants understand the Examiner's Answer to assert that it would have been obvious to combine Refai and Klos. In particular, "[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to combine activation requests taught by Klos et al. with receiving a high-level request pertaining to said plurality of target elements and parsing said high-level into a plurality of atomic requests taught by Refai et al." (page 5).

Appellants respectfully disagree. Appellants respectfully submit that it would not have been obvious to combine Klos and Refai because Klos changes the principal of operation of Refai. Appellants understand the principal of operation of Refai to be a "programmable configuration management framework..." that "...makes use of a store for retrievably storing a plurality of programmable configuration requests." Additionally, "[a] work management module...services the identified programmable configuration requests causing a corresponding plurality of configuration commands to be issued for

monitored execution to a plurality of communication network target entities” (emphasis added; paragraph [0019]).

In particular, “[u]sing the generic programmable configuration management module 306, a programmable configuration request may be created 310.” A “Programmable Change Request (PCR) is a record specifying details of a configuration management job to be performed on a large group of communications network equipment. A PCR typically specifies a list of target equipment to be configured, a configuration job, and scheduling information to perform the configuration job” (emphasis added; paragraph [0043]).

In contrast to the principal operation of Refai, Appellants understand Klos to not teach, describe or suggest a “programmable configuration management framework...” that “....makes use of a store for retrievably storing a plurality of programmable configuration requests.” Rather, Appellants understand Klos to teach a “[a] service management system...which accepts requests for communications services from service order sources” (abstract). In particular, “[d]ue to the need to update the NEs at different times in accordance with the requested activity, and the need to send separate messages to each NE, the ability to generate multiple service activation requests with GOM 400 is needed. Each service activation request contains the appropriate information to provision the NE” (emphasis added, paragraph [0832]). It is noted that “NE” is defined as a Network Element and “GOM” is defined as Generic Order Management, as described in paragraph 0007. Therefore, Appellants respectfully

submit that it would not be obvious to combine Refai and Kos because Klos changes the principal of operation of Refai.

Second, Appellants understand the Examiner's Answer to assert that it would have been obvious to combine Refai and Rockwell. In particular, "[i]t would have been obvious to...combine receiving at time t1 a first atomic request at a first journaling proxy, said first journaling proxy being associated with a first target element, and said first journaling proxy intentionally delaying sending said first atomic request to said first target element for execution until a time t2 that satisfies a set of predefined configuration parameters for said first target element taught by Rockwell with activating a plurality of target elements taught by Refai et al." (pages 5-6).

Appellants respectfully disagree. Appellants respectfully submit that Refai combined with Rockwell changes the principal of operation of Refai because the programmable configuration management framework would not use the PCR and PCR options to configure target elements, but instead use TON instructions to configure target elements. For example, if Refai is modified by Rockwell, then the PCR option of the PCR performing repetitively at a frequency is no longer available to perform the principal of operation. If Refai is modified by Rockwell, the PCR is no longer expected to take as long as it needs to complete processing unhindered to perform the principal of operation. If Refai is modified by Rockwell, the PCR may not be stopped on detecting a first error to perform the principal of operation. Therefore, the suggested

combination of Refai and Rockwell would change the principal of operation of Refai which is a configuration management framework by way of PCR options.

CONCLUSION

In view of the above remarks, Appellants continue to assert that pending Claims 1-27 are patentable over the combination of Refai, Klos and Rockwell, for reasons presented above and for reasons previously presented in the Appeal Brief.

Respectfully submitted,

WAGNER BLECHER LLP

Dated: 11/12/2009

/John P. Wagner, Jr./
John P. Wagner, Jr.
Registration Number: 35,398

WAGNER BLECHER LLP
123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500